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SUMMARY RECORD OF THE 13th MEETING

Chairman: Mr. HADID (Algeria)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 121: REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS (continued) (A/48/16 (Part I and Part II), A/48/277, A/48/281, A/48/428 and A/48/452)

1. Ms. SAEKI (Japan) said the restructuring of the Secretariat should be carried out in conformity with the objectives, guidelines and principles set out by the General Assembly, in close consultation with Member States and relevant intergovernmental bodies. Though there had been a dialogue between the Secretariat and Member States on the proposed programme budget, major changes in the structure of the Secretariat had been made without adequate prior consultations with the relevant intergovernmental bodies, and the Committee's approval had been obtained ex post facto. Such practices could not be allowed to continue.

2. Her delegation noted with great concern that the Secretary-General's report (A/48/428) did not satisfy the request made by the General Assembly in its resolutions 47/212 A and B and reiterated its strong hope that the Secretary-General would respond to the General Assembly's requests during the current session. Failure to do so would prevent Member States from assessing the proposed changes or taking decisions on them.

3. The report had also failed to justify some of the important changes proposed in the Secretary-General's restructuring plan. For example, Member States had yet to receive a full and satisfactory explanation of the provisions which would apply to the proposed transfer of the Office for Project Services to the recently established Department for Development Support and Management Services. Since that measure might have an impact on the overall structure of the Secretariat in the economic and social fields, as well as on the future of technical cooperation throughout the United Nations system, her delegation urged the Secretary-General to make a proposal which took fully into account the decisions and observations of the UNDP Governing Council, especially those contained in paragraph 5 of its decision 93/42.

4. Decentralization was another area in which, despite the requests of Member States, the Secretary-General had neither articulated the general direction his efforts would take nor made specific proposals. The timetable for introducing the changes and the effect which such changes would have on programme delivery should also be explained. References to the transfer of the Office for Outer Space Affairs to Vienna, the restructuring of UNCTAD, and the future administrative framework of the United Nations Office at Nairobi were not accompanied by any persuasive reasons for the proposals made and failed to make clear what structure those bodies would assume.

5. Even more serious was the confusion caused by the restructuring. Although restructuring was an ongoing process in which some confusion and ineffectiveness were inevitable, certain problems might not be temporary. As of the end of October, Member States had still not received all the budget documents, and, except for one item, the Fifth Committee had been unable to take up its agenda until November. Rules concerning the preparation and submission of documents had not been observed so that the work of the intergovernmental bodies,

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including the General Assembly, had been seriously hampered. As a consequence, Member States did not know where responsibility for all those failures lay. Her delegation requested the Secretary-General to pay much more attention to those problems in order to ensure that the work of restructuring was carried out in the most efficient, transparent and accountable way, and with minimum confusion, so that the Organization did not lose sight of its essential mandate.

6. Establishment of a system designed to ensure the Secretariat's accountability, transparency and effectiveness in all its operations was vital to enhance the efficiency of the United Nations. Her delegation welcomed the appointment of an Assistant Secretary-General for Inspections and Investigations although it did not fully understand the mandate, structure and programmes of work of that office. She hoped, therefore, that the Secretary-General would provide the General Assembly information on all those aspects.

7. Her delegation welcomed the initiative taken by President Clinton in urging the establishment of an Office of Inspector General and hoped that the United States representative would elaborate on that proposal during the current session. However, if the Organization were to initiate genuine reform, the establishment of an office with important responsibilities or the appointment of an individual were not sufficient. As the Committee for Programme and Coordination (CPC) had pointed out, an entire system of control, management and internal oversight was needed.

8. Her delegation could not accept the view expressed in paragraph 2 of document A/48/452 to the effect that the existing systems of responsibility and accountability in the United Nations would provide a basis for what the General Assembly was requesting, and she regretted that the report had completely missed the point. What was needed was not a detailed set of financial and staff regulations and rules but a unified, streamlined and transparent mechanism to implement those rules and also to serve as a mandate for the work of an Inspector General or other supervisory officials. Her delegation asked the Secretary-General to give that matter the attention it required, to submit a proposal at the earliest possible opportunity and to move quickly to accelerate the submission of the report requested by the General Assembly in paragraph 9 of resolution 47/211.

9. Her delegation concurred with the view expressed in the Secretary-General's report on a possible new approach to programme planning, an opinion supported by CPC, to the effect that the current medium-term plan document did not offer a policy-level perspective (A/48/277, para. 12). Recent changes in the world situation had shown it was almost impossible to anticipate with detailed programmes and subprogrammes the future course of world events or the response of the United Nations. Moreover, once programmes and priorities had been approved, it would take time and energy to cancel them even when they represented a response to a problem that no longer existed. That not only reduced the effectiveness of programme delivery, but also made it difficult to achieve a zero-based budget.

10. On the basis of those considerations, her delegation supported, in principle, the suggestion made by CPC, that the medium-term plan should be replaced by a combination of a policy perspective covering the next four to six

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years and indicating broad priority areas and a programme framework to be reviewed every two years. She also proposed that consideration of the latter document should be linked to the budget outline so that the General Assembly could consider a zero-based budget every two years through the outline while maintaining basic long-term consistency by means of the policy document. She also supported the CPC recommendation that, as a way to increase effectiveness, the findings of the reports on programme performance and evaluation processes should be taken into account in the formulation of programmes.

Managing works of art in the United Nations (A/C.5/48/L.2)

11. Mr. OSELLA (Argentina), Vice-Chairman, introduced draft resolution A/C.5/48/L.2, entitled "Managing works of art in the United Nations". He pointed out that the text had been approved by consensus in informal consultations. The draft resolution accommodated all the concerns of Member States, and he therefore commended it to the Committee for adoption without a vote.

12. The CHAIRMAN said that, if there were no objections, he would take it the Committee wished to adopt the draft resolution without a vote.

13. It was so decided.

AGENDA ITEM 168: PERSONNEL QUESTIONS (A/C.5/48/5)

14. Ms. DODSON (Director of Personnel) said that, while personnel matters were considered on a biennial basis, as a result of the concern expressed by members of the Fifth Committee, it seemed appropriate to provide an up-to-date summary of matters related to respect for the privileges and immunities of officials. The note by the Secretary-General on that subject (A/C.5/48/5) was based on information provided by organizations, agencies and United Nations bodies.

15. The Security Council, in its resolution 868 (1993), had confirmed that attacks and use of force against persons engaged in a United Nations operation authorized by the Security Council would be considered interference with the exercise of the responsibilities of the Council. The question of the safety of staff had taken on particular importance for the United Nations system. Despite all efforts to ensure the safety and security of staff, as of the date of issue of the report, 19 staff members belonging to different organizations had been killed in the performance of their duties. The circumstances surrounding those deaths varied widely. In some cases, the staff members had lost their lives as a result of criminal or terrorist activities, while others had been deliberately executed.

16. Cases of arrest and detention of officials continued to be a matter of great concern to the Secretary-General and to the executive heads of the organizations of the United Nations system. As in the past, most of the cases of arrest and detention involved officials of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), although recent political developments raised hopes that the situation in that region would improve. With reference to the list of officials contained in annex I of the report, 9 members of UNRWA staff listed as detained in the Gaza Strip had been

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released since the end of June 1993. In addition, 4 of the 16 deported staff members had been allowed to return since that date. Additional information on the situation of UNRWA staff had been provided in the annual report of the Commissioner-General to the General Assembly (A/48/13). Since it had been too late to incorporate those changes in the note on privileges and immunities, UNRWA had requested her to inform the Fifth Committee of them. From all the information received, it was clear that the general situation remained far from satisfactory.

17. With respect to taxation, the report mentioned taxation problems experienced by officials of ILO and UNIDO. Information concerning restrictions on official and private travel of United Nations officials was also given. It should be noted that there had been no further developments in that regard.

18. Ms. GOICOCHEA (Cuba) asked whether there might not be some duplication in the work of the Fifth and Sixth Committees on the item under consideration.

19. Ms. VASISHT (India) said that her delegation had some reservations concerning paragraph 6 of the note of the Secretary-General. Reference had been made to the case of an Indian national killed in Bombay on 12 March 1993 as a result of a terrorist attack in which hundreds of persons had died. Her delegation requested that, in future reports of that nature, the incidents should be classified according to cause of death, and that the circumstances of each case should be indicated.

20. Mr. ESKRIGGE (New Zealand) said that his delegation had suggested in the Sixth Committee that an effective legal regime should be worked out so that anyone who attacked officials of the United Nations system would be held personally responsible.

21. The CHAIRMAN expressed the hope that the Fifth Committee would adhere strictly to its mandate in dealing with the item under consideration, bearing in mind the work being conducted in the Sixth Committee, the Special Political and Decolonization Committee and the Security Council.

AGENDA ITEM 128: UNITED NATIONS COMMON SYSTEM (continued) (A/48/30 and Corr. 1; A/C.5/48/4 and A/C.5/48/17)

AGENDA ITEM 129: UNITED NATIONS PENSION SYSTEM (continued) (A/48/9 and A/48/517)

22. The CHAIRMAN invited Mr. Siegenthaler (President of the Coordinating Committee for Independent Staff Unions and Associations of the United Nations System (CCISUA)) and Ms. Lavnick (President of the Federation of International Civil Servants' Associations (FICSA)) to make a statement.

23. Mr. SIEGENTHALER (Coordinating Committee for Independent Staff Unions and Associations of the United Nations System) said that the defence of the life and liberty of international civil servants must come before all other considerations. The independence of the international civil service was essential to the good functioning of the organizations of the system. Staff members working in the field were facing increasingly difficult and dangerous

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situations, and an unprecedented number of them had lost their lives. Everything possible must be done to put an end to that situation. By contrast, it was encouraging that the changing situation in the Middle East had led to the release of many imprisoned staff members.

24. CCISUA had resumed its participation in the work of the International Civil Service Commission (ICSC) at its previous session, on the basis of the assurances given by the Chairman of ICSC which had enabled it to look forward to a real dialogue with the members of the Commission. The situation had improved somewhat, but difficulties remained. In particular, the exchange of views between CCISUA representatives and the members of ICSC should be duly reflected in the Commission's reports, and not just the introductory statements by the representatives of the staff. Participation by CCISUA in the Commission did not necessarily mean that it endorsed its decisions. Unlike the participant representatives on the Joint Staff Pension Board, staff representatives in ICSC were not engaged in negotiations, although that remained their ultimate objective. The members of ICSC alone took the decisions. In such circumstances, there could be no question of consensus.

25. He once again expressed the doubts of CCISUA about the current manner in which the members of ICSC were chosen, which differed from the procedure followed in the early years of the Commission. CCISUA continued to deplore that a member elected the preceding year continued to represent his country in the General Assembly. It was not a question of personal integrity but of incompatible situations. He urged the Fifth Committee to ensure that the problem was avoided in the future, for otherwise the image of an independent expert body could not be maintained.

26. Turning to the substance of the ICSC report, CCISUA supported the recommendation to update the base/floor salary scale for staff in the Professional and higher categories. By contrast, the recommendation to change the current system of determining pensionable remuneration for staff in the General Service and related categories would result in a reduction in real terms of the pensions of those concerned, whose financial situation was, with a few exceptions, less favourable than that of the Professional categories. The two remuneration systems were different, and there was no reason to aim at similar ratios between salaries and pensions for the two categories. Moreover, if the intention was to narrow the supposed differences - the notorious and vastly overstated income inversion - that objective could be achieved by restoring to Professionals some of the losses suffered as a result of the introduction of the new system in 1987. The need to reduce General Service entitlements would thus be avoided. He hoped that the possibility would be considered when the common staff assessment scales were developed in 1996. The efforts of the participants' representatives in the Joint Staff Pension Board and the representatives of CCISUA, coupled with some flexibility on the part of the other parties, had allowed the damage to be limited to some extent, but the anticipated reductions remained unacceptable. It must be noted that, while the review was supposed to eliminate anomalies in the system, the real anomalies, which resulted from exchange-rate fluctuations, had not been dealt with.

27. CCISUA had always deplored the limited resources allocated to training and expressed its conviction that more training could make a major contribution to

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efficiency and staff morale. With regard to the Noblemaire principle, it was looking forward to cooperating with the Commission in formulating proposals to be submitted to the General Assembly at its forty-ninth session. It had no objection to the comprehensive approach outlined by the Chairman of ICSC whereby the issue would be placed in a wider context.

28. CCISUA was aware that a number of member countries were currently facing economic and financial difficulties, but it hoped those temporary difficulties would not lead them to take decisions which would undermine the capacity of the United Nations to rise to the challenge posed by its larger role on the world stage.

29. Ms. LAVNICK (Federation of International Civil Servants' Associations) wondered whether, in considering the agenda item, representatives of Member States were sufficiently aware of the human element. For the staff of the United Nations system, the deliberations of the Committee affected every aspect of their lives. Unlike most national civil servants, staff of the United Nations system had no other options. Many could not be reintegrated into their own countries, nor did they enjoy the social benefits of any national system. Their commitment to their respective organizations did not always seem to have been reciprocated. The recent proliferation of peace-keeping missions had put their dedication to the ultimate test: those volunteering to serve in those missions were placing their lives at risk in the service of the United Nations system, while those remaining behind had to make superhuman efforts to absorb the additional workload. Many organizations were in the process of downsizing with little if any corresponding reduction in programmes, yet still the staff was prepared to do its utmost to increase productivity and make their organizations as effective and efficient as possible.

30. It would be impossible for each representative of Member States in the Fifth Committee to be fully familiar with all aspects of the conditions of service of staff of the United Nations. That was why it was desirable that the groundwork be done outside the General Assembly. FICSA saw two possible options: the task of establishing broad principles for the determination of the conditions of service of staff and the development of common personnel standards, methods and arrangements throughout the United Nations system could be entrusted to an independent, impartial body of experts fully conversant with the subject-matter yet with no personal interest in the outcome. Alternatively, the task could be accomplished by a joint body, the members of which possessed the same technical expertise but represented the interests of the different parties concerned, namely the Member States, administrations and staff. At present, neither body existed.

31. FICSA believed that the second alternative was more likely to achieve the expected results. Priorities could be discussed and agreed upon in advance; it was neither possible not desirable to study conditions of service in their entirety each time around. Recommendations arrived at would represent a compromise acceptable to all parties. The involvement of staff in the identification of priority areas for changes or improvements in conditions of service would encourage greater accountability among the staff, which in turn would increase the strength of the particular organization.

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32. The introduction of such a process would not entail major adjustments to the current system, and FICSA called for the establishment of a mechanism whereby recommendations submitted to the Fifth Committee in 1994 represented the consensus of all three parties involved. Such a mechanism could be established on a trial basis, if that was considered more appropriate.

33. Conditions of employment in the outside world were determined on the basis of discussions between employers and employees, and FICSA could see no reason why the same system should not apply within the United Nations system. Obviously, a give-and-take process had to take place before a consensus could be reached. Although none of the parties involved might achieve their optimum goals, none would be wholly disappointed. All the parties would be responsible for the consensus reached and would have little grounds for complaint after the event.

34. That was not the case under the current system, which had created some serious problems. One example mentioned in the Secretary-General's note (A/C.5/48/4) was that of the new methodology for determining the level of General Service salaries, which had not been developed on the basis of technical considerations but rather sprang from a misconception that General Service salaries were too high. There was doubtless an element of sour grapes vis-à-vis specific high-cost duty stations, which FICSA found quite unacceptable. That was why the statement contained at the beginning of paragraph 3 of the Secretary-General's note was not quite accurate. Since the introduction of the revised methodology, there had not been "close consultation between representatives of the administrations and staff of the organization at a particular location". During the recent survey in Paris, for example, the Staff Association which represented the interests of the bulk of the staff had decided to refrain from participation at all stages of the proceedings in order not to lend credibility to a process which was so obviously flawed. FICSA was convinced that if the new methodology had been designed by all three parties, on an equal footing, many if not all of the current problems could have been avoided.

35. Another issue the Committee would be called on to address was the suggested change in the methodology used to determine the level of pensions of staff in the General Service category. During the discussion of the same item by the Fifth Committee during the forty-seventh session, FICSA had pointed out that it was premature to ask the Committee to endorse recommendations on pensions before they had been fully examined by the Pension Board. Time had proved it right.

36. Ms. DODSON (Director of Personnel) said that in the note by the Secretary-General (A/C.5/48/4), prepared in response to the request in section XIII, paragraph 3, of General Assembly resolution 45/241, the Secretary-General had pointed out that close consultation between representatives of the administrations and staffs of the organizations and the secretariat of the Commission took place on a continuous basis throughout the preparatory, data collection and data analysis phases following the salary surveys and that the staff regulations of the organizations of the United Nations common system set out the specific procedures for the manner in which the salary scales were to be fixed. The Secretary-General felt that in those cases where the United Nations was at variance with the recommendations of the Commission, consultation with

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ACABQ could also take place prior to reaching a final decision on the establishment of General Service salaries following the survey.

37. The note reflected commitments made by the Secretary-General following the comprehensive salary survey for staff in the General Service category which had taken place in New York in 1989. Should the General Assembly approve, the mechanism proposed would be in force for the forthcoming salary survey in New York in 1994. A separate statement on financial implications would be provided by the Secretariat as soon as possible.

The meeting rose at 4.15 p.m.